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CONGRESSIONAL RECORD — SENATE

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at the timing is poor for the creation of a Commission whose composition would be largely determined by the administration now in power. I might add to the Senator that the Foreign Relations Committee has currently undertaken an extended study of the U.N. American participation in it. In the 2 weeks, 3 days of hearings have been held on this very subject, and additional hearings will be taking place in the weeks ahead. I can tell the Senator further that the Foreign Relations Committee has assigned some of its very best staff to project and that I anticipate the results of this effort to be every bit as comprehensive and legislatively useful as would be the product of a Commission specially created for the purpose.

I will not, however, oppose the Senator's amendment.

Mr. BEALL. Does the Senator's statement indicate a commitment to work the conference to see that its provisions are kept a part of the bill?

Mr. SPARKMAN. I said I do not oppose it. I meant that I am willing to accept it.

Mr. BEALL. I appreciate the Senator's willingness to accept the amendment. However, I know from past experience that sometimes, when an amendment is accepted, there is not a true commitment not to yield on it when it comes to conference.

I yield to the Senator from Alabama.

Mr. ALLEN. Inasmuch as I offer a similar resolution calling for a select committee to be set up in the Senate to investigate this very same question, it was part of and it is part of the resolution the Senator from Alabama proposed, that the committee make a study of the role of the United States in the United Nations and to consider and make recommendations to the further participation by the United States in the United Nations and, specifically, whether in the opinion of the committee it would be in the best interests of the United States to withdraw from the United Nations.

I would like to point out to my colleague and friend, the proponent, that the method of putting the commission together which results in public members being appointed by the President of the Senate as well as by the Speaker of the House of Representatives presents some problems to me. That has not always worked very well. Generally speaking, we leave them to appoint the House and Senate Members not public members. But I am willing to take it and consider that and, as we always do, as the Senator will know what we have in mind in the negotiation.

Mr. BEALL. I appreciate the remarks of the distinguished Senator from New York. As I point out in my statement I have consistently supported the United Nations. I have voted against most amendments that would reduce our commitment, while supporting those which would sustain our commitment to the United Nations.

In spite of that, a number of recent experiences have shaken my confidence in the confidence of people across the country in the United Nations. I believe a time has come for a fair, thorough in-depth review of all aspects of our participation in the U.N. and I hope this would be done with complete objectivity by the members of the commission. I would not ask them to be any bias whatsoever. That is why I would like to have a commission so that we can get the kind of neutral, unemotional study that this matter deserves.

Mr. ALLEN. Mr. President, will the Senator yield 1 minute?

Mr. BEALL. I would be happy to yield.

Mr. ALLEN. Yes, I notice that is contemplated in the very next subsection where it says:

The Commission shall, from time to time, and in a final report, report the results of its study and investigation and submit its recommendation to the President and the Congress.

Mr. BEALL. The Senator is correct.

Mr. ALLEN. I assume that such a recommendation would be in order if it felt that it was in the best interests of the United States.

Mr. BEALL. The commission can do whatever it thinks is best in carrying out its responsibilities.

Mr. ALLEN. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. SPARKMAN. I yield out of my time to the Senator from New York.

Mr. JAVITS. Mr. President, I think the answer of the Senator from Maryland has satisfied the concerns which I would have. I do not want to see a loaded commission which would be authorized to determine whether we should or should not withdraw from the United Nations because I think that would be invidious and represent one step in that direction which would be highly unwise and not in the interests of our country. But an open commission which is here specified is the basis I would gather for the acceptance by the chairman and our ranking member and also the way in which Senator BEALL has put the matter forward.

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Mr. ALLEN. Mr. President, will the Senator yield 1 minute?

Mr. BEALL. I would be happy to yield.

Mr. ALLEN. I ask unanimous consent that my name be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask unanimous consent that the Senator from Oklahoma (Mr. BARTLETT) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. I would be happy to yield back my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SPARKMAN. I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 1521

Mr. PROXMIER. Mr. President, I call up my amendment No. 1521 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 17 and 18, insert the following new section:

"FOREIGN GIFTS

"Sec. 103. (a) The Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1956, as amended, is amended by adding at the end thereof the following new section:

"(20) (a) No property purchased with appropriated funds in excess of \$50 and no appropriated funds in excess of \$50 may be given to any person of any foreign country.

"(b) Not later than thirty days following the end of each fiscal year, the President shall transmit a report to the Speaker of the House of Representatives and Committee on Foreign Relations of the Senate describing fully and completely—

"(1) any gift given on behalf of any person by, or with the assistance of, any officer or employee of the United States to any person of any foreign country; and

"(2) the activities of such officer or employee with respect to the giving of such gift.

"(c) Any financial transaction involving any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Comptroller General and reports thereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such financial transaction and necessary to facilitate the audit."

"(b)(1) Section 7342 of title 5, United States Code, is amended—

"(A) by striking out the section caption and inserting in lieu thereof the following: "7342. Foreign gifts and decorations"; and

"(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Congress does not consent to the accepting or retaining by an employee of any gift. No gift may be accepted by an employee."

"(2) Item 7342 in the analysis of subchapter IV of chapter 73 of such title 5 is amended to read as follows:

"7342. Foreign gifts and decorations."

"(c) The amendments made by this section shall apply only with respect to gifts tendered on or after the date of enactment of this Act."

On page 3, line 20, strike out "Sec. 103." and insert in lieu thereof "Sec. 104."

On page 4, line 2, strike out "Sec. 104" and insert in lieu thereof "Sec. 105."

On page 4, line 17, strike out "Sec. 105" and insert in lieu thereof "Sec. 106."

On pages 8, line 14, strike out "Sec. 106" and insert in lieu thereof "Sec. 107."

Mr. PROXMIER. Mr. President, I have discussed this amendment with the manager of the bill, the ranking minority member, and as far as I know, they are willing to accept the amendment.

This amendment, incidentally, has been passed by the Senate before; it did not survive conference, but I hope it will this time.

Mr. President, as the deadline for filing of Federal income taxes draws closer, taxpayers across the country will be writing checks to pay for \$375 billion worth of Federal programs and projects. Yet there certainly must be millions of Americans gnashing their teeth in disgust over what I consider to be one of the most wasteful, unnecessary, and inappropriate traditions ever perpetuated with tax dollars. I am referring to the giving and receiving of gifts by officials of both the United States and foreign countries.

Today, I am reintroducing an amendment to the State Department authorization bill—S. 3168—that, if enacted, would virtually eliminate the wasteful practice of giving and receiving gifts valued at over \$50, by U.S. and foreign government officials. Second, the amendment would call for the President to report annually to the Speaker of the House and the Committee on Foreign Relations of the Senate on all gifts provided with nonappropriated funds or from private sources passing through the Government to any person of a foreign country. Finally, my amendment would grant authority to the General Accounting Office to audit annually the Diplomatic and Consular Service Fund at the State Department—a catch-all slush fund that has been used for everything from jewelry to disaster relief emergencies.

Mr. President, on October 2, 1974, I introduced amendment No. 1873 to the Foreign Assistance Act of 1961, requiring the President merely to report all properties of \$50 or more purchased with appropriated funds which were given by him or any officer in the Federal Government to any person of any foreign country. This amendment was modified to prohibit the giving and receiving of gifts by U.S. and foreign officials and was passed by voice vote on that day.

Unfortunately, the entire Foreign Assistance Act was recommitment to the Senate Appropriations Committee for further consideration and the amendment died.

Then on December 4, 1974, I introduced another amendment to S. 3394,

the Foreign Assistance Act, that would have prohibited the expenditure of taxpayer funds for the giving of gifts costing more than \$50 to foreign heads of state or other foreign dignitaries. Also, contained in that amendment was language prohibiting the receipt of gifts from these foreign officials. Both Senator McGovern and Senator Brooke cosponsored this amendment with me and I was delighted to have this bipartisan support.

However, with assurances from my distinguished colleague Senator McGee of the Foreign Relations Committee, that subsequent comprehensive, corrective legislation on gift-giving would receive careful committee consideration, I withdrew my amendment.

In May of 1975 I introduced S. 1762, a bill to prohibit the giving of gifts and the acceptance of gifts by Federal employees. It was referred to the Foreign Relations Committee without action.

Finally, on September 11, 1975, I reintroduced my gift-giving and receiving amendment to the Foreign Relations Authorization Act of 1976-1977—the same type of amendment that was accepted back in October of 1974 on the foreign aid bill, but subsequently died with that recommitment bill.

Once again, in an attempt not to bog down the passage of that important appropriation bill, I withdrew my amendment after receiving assurance from the chairman of the Foreign Relations Committee that hearings would be held on this question of gift-giving's role in the Federal Government and foreign policy.

Mr. President, gift giving has nearly quadrupled over the past 25 years, and it is costing the taxpayer \$1 million per year to run this Federal "giveaway" program and to monitor the receipt of gifts from abroad. The American taxpayer is fed up and hopefully my colleagues in the Senate will see fit to give the beleaguered American taxpayer a "legislative refund" by passing this amendment prior to April 15.

Mr. President, just a few more words about what I mean when referring to gift giving and receiving. The State Department has informed my office and the General Accounting Office that at least \$1 million annually is spent in the purchase and giving of gifts to various foreign dignitaries. We all remember the \$3 million VH3A Sikorsky helicopter this country gave to Egyptian President Anwar Sadat—a helicopter that is now rusting in the Egyptian desert. The GAO concluded that this gift was contrary to the "intent of Congress."

During former President Nixon's trip to the Near East, 76 other personal gifts were provided to local authorities. These ranged from Steuben crystal to more expensive American works of art. The funds for this gift giving came out of the \$2.1 million slush fund called the Emergencies in the Diplomatic and Consular Services Account of the Department of State.

And then there was the \$10 million Egyptian Pound gift to the favorite charity of Mrs. Anwar Sadat.

Mr. President, the State Department has refused to disclose the purpose of these gifts and the recipients of each. They continue to operate in secrecy—

handing out tens of thousands of American tax dollars without any accountability or review.

Now Mr. President, the foreign policy of this country will not rise or fall on gift giving. We will not conclude a new arms control agreement or a Middle East peace agreement because of gift giving or receiving. This amendment recognizes that fact and establishes a Federal policy that is consistent with the regulations that apply to many other Federal employees here at home. Small gifts for diplomatic purposes would still be permissible—those that cost under \$50 each. But extravagant gifts clearly would be prohibited and that makes good sense for the taxpayers of this country.

Mr. President, I am hopeful that the manager of the bill can accept the amendment.

Mr. SPARKMAN. Mr. President, I may say that we discussed this rather fully last year.

Mr. PROXMIER. That is right.

Mr. SPARKMAN. I am ready to accept it.

Mr. CASE. This has been accepted by the Senate previously and I join my chairman and accept the amendment now.

Mr. SPARKMAN. I yield back the remainder of my time.

Mr. PROXMIER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. PELL. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—AMENDMENTS TO THE FOREIGN SERVICE ACT

FOREIGN SERVICE STAFF PARTICIPATION

SEC. 501. (a) Section 803 of the Foreign Service Act of 1946 (22 U.S.C. 801-1159) is amended by adding the following subparagraph at the end of paragraph (a) thereof:

"(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the United States Information Agency with unlimited appointments."

(b) Section 803 of such Act is further amended by changing the reference at the end of subparagraph (b) (2) from "852(b)" to "811".

(c) Section 803 of such Act is further amended by deleting paragraph (c) thereof.

DEFINITIONS

SEC. 502. (a) The heading of section 804 of such Act is amended to read "DEFINITIONS".

(b) Section 804 of such Act is amended by deleting paragraph (a), the preface in paragraph (b), and subparagraphs (b) (1), (2), and (3) and substituting the following in lieu thereof immediately following the section number:

"When used in this title unless otherwise specified, the term—

"(a) 'Annuitant' means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of this or any other Act and who has filed claim therefor.

"(b) 'Surviving spouse' means the surviving wife or husband of a participant or annuitant who, in the case of a death in service or marriage after retirement, was married to the participant or annuitant for at least two years immediately preceding his or her death or is the parent of a child born of the marriage.

"(c) 'Child' except in section 841 means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant, the term includes (i) an adopted child, (ii) a stepchild or recognized natural child who received more than one-half support from the participant, and (iii) a child who lived with and whom a petition of adoption was filed by the participant, and who is adopted by the surviving spouse of the participant after the latter's death. 'Child' also means an unmarried student below the age of twenty-two years. For this purpose a child whose twenty-second birthday occurs before July 1 or August 31 of a calendar year, and whose student is deemed to have become two years of age on the first day of the year after that birthday.

"(d) 'Student' means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interval between school years, semesters, or terms, the interim or other period of nonattendance does not exceed five calendar months and the child shows to the satisfaction of the Secretary that he or she has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

"(e) 'Military and naval service' means honorable active service—

"(A) in the Armed Forces of the United States;

"(B) in the Regular or Reserve Corps of the Public Health Service after June 1, 1960; or

"(C) as a commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States."

(c) Section 804 of such Act is further amended (A) by renumbering present paragraphs "(b) (4)", "(5)" and "(6)" as "(f)", "(g)" and "(i)", respectively, and by adding the following as a new paragraph immediately following renumbered paragraph (g):

"(h) 'Foreign Service normal cost' means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis less the value of retirement benefits earned under another retirement system for Government employees and less the cost of credit allowed for military service)."

CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

SEC. 503. Immediately below section 804 of such Act, add the following new section: "AUTHORITY TO MAINTAIN EXISTING AGREEMENTS BETWEEN CIVIL SERVICE AND FOREIGN SERVICE RETIREMENT SYSTEMS"

SEC. 805. (a) In order to maintain strict conformity between the Civil Service Retirement

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